UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COMPUTER AND ENGINEERING SERVICES,
INC. and C.E.S., INC. and TRILLIUM
STAFFING WELFARE BENEFIT PLAN,

      Plaintiffs,

v.   Case No. 12-15611
                                                                                 Honorable Patrick J. Duggan

BLUE CROSS AND BLUE SHIELD OF
MICHIGAN,

      Defendant.
_____/

ORDER DENYING PLAINTIFFS' MOTION
FOR CONSOLIDATION (ECF NO. 14)

This matter is before the Court on Plaintiffs' motion for consolidation, filed

pursuant to Federal Rule of Civil Procedure 42(a) on February 1, 2013. Plaintiffs ask the

Court to consolidate this action with cases before the Honorable Victoria A. Roberts

involving the same legal issues and facts.[1] Alternatively, Plaintiffs request that the Court

reassign this matter to Judge Roberts as a companion matter pursuant to Eastern District

of Michigan Local Rule 83.11(b).

Even if this Court agrees with Plaintiffs that consolidation of the pending matters

would be beneficial, it lacks the authority to grant the requested relief. The Court cannot

order consolidation of cases not pending before it. *See* Fed. R. Civ. P. 42(a) ("If actions

_____

[1]As of early January 2013, there were at least nineteen such cases pending in this
District. Ten of those cases are on Judge Roberts' docket. The remaining cases are
assigned to other judges in the court.

before the court . . .") (emphasis added). Local Rule 83.11 does not permit a judge to

unilaterally reassign a case to another judge. *See* E.D. Mich. LR 83.11(7)(D) ("When it

becomes apparent to the Judge to whom a case is assigned and to a Judge having an

earlier case number that two cases are companion cases, upon consent of the Judge

having the earlier case number, the Judge shall sign an order reassigning the case to the

Judge having the earlier case number."). Judge Roberts does not consent to the

reassignment of this case to her.

Accordingly,

IT IS ORDERED, that Plaintiffs' motion for consolidation (ECF No. 14) is

DENIED.

Dated: April 19, 2013   s/PATRICK J. DUGGAN
                                                         UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record

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